

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 25106 of 2003(L)

PETITIONER:

V.SUBHRAMANIAN, VARIL PUTHENVEEDU,
AYAMPURAM WARD, KOTUKAL VILLAGE,
PAYATTUVILA P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER

RESPONDENTS:

1. THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, THIRUVANANTHAPURAM
2. H.ROBINSON, PANCHAYAT MEMBER,
KUZHIVILA WARD, KOTTUKAL PANCHAYAT, KOTTUKAL P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.P.M.JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.C.NO.25106 OF 2003

A P P E N D I X

Petitioners' Exhibits :

EXT.P1: TRUE COPY OF ORDER DT. 30.4.2003 IN OP NO.2689/01 ISSUED BY
THE FIRST RESPONDENT.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.25106 of 2003

Dated 31st January, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P1 order passed by the first respondent. As per the said order, learned Ombudsman dismissed a complaint filed by the petitioner against the second respondent. One of the allegations in the complaint pertains to corruption in the matter of disbursement of uniform allowance to the students belonging to the Scheduled Caste community. There is also an allegation regarding constitution of the beneficiary committee. Learned Ombudsman found that the petitioner was not able to lead any evidence. It is the contention of the petitioner that regarding the allegation of corruption in the disbursement of uniform allowance, there were already complaints before the Ombudsman. But no evidence was adduced by him. The Secretary to the Panchayat, though a party to the proceedings before the Ombudsman, is not made party to this proceedings. There is also a contention that there is no provision to award compensatory costs. There is an interim order ever since 6.8.2003. There is no counter affidavit. After having heard learned counsel on both sides, I am of the view that in the absence of a finding that the complaint is trivial and frivolous, there is no justification in awarding compensatory costs to the second respondent.

2. The second prayer of the petitioner is for a direction to

the first respondent for a proper investigation of the complaint filed by the petitioner. Learned counsel for the petitioner submits that in view of the efflux of time, the same is not pressed. In the above circumstances, this writ petition is disposed of vacating the direction to grant compensatory costs of Rs.10,000/- to the second respondent, in Ext.P1 order. Learned counsel for the second respondent submits that in view of the injury suffered by him on account of the wild allegations, liberty may be reserved to pursue his remedy before the civil court for damages. It is for the 2nd respondent to pursue such grievances in appropriate forum. It is made clear the order vacating the compensatory costs shall not stand in the way of the 2nd respondent pursuing his case for damages, if entitled to otherwise under law.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 10th January, 2007.